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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,969	09/30/2003	David M. Callaghan	03AB002/ALBRP323US	4944
7590 Susan M. Donahue Rockwell Automation 704-P, IP Department 1201 South 2nd Street Milwaukee, WI 53204			EXAMINER NGUYEN, TAI T	
			ART UNIT 2612	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS		MAIL DATE 01/16/2007	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/674,969

Applicant(s)

CALLAGHAN, DAVID M.

Examiner

Tai T. Nguyen

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-9 and 36-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 36-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to RCE filed on October 23, 2006.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 3-6, and 36-42 are rejected under 35 U.S.C. 102(a) as being anticipated by Raschke et al. (US 6,653,933).

Regarding claim 1, Raschke et al. disclose a system (figure 1) for controller configuration and programming, comprising:

a controller (112) connected to a power line (108, figure 1);

a configuration device (128) connected to Internet (124), wherein the configuration device and the controller utilize at least an interface (104) to communicate over the power line and the Internet to enable remote controller configuration and programming (figure 1); and

the interface implements a peer-to-peer communication network (figure 1).

Regarding claim 3, Raschke et al. disclose the interface contains a global unique identifier (GUID) and a serial number in the form of a domain unique alias identifier (DUA) to ensure unique identification (col. 4, lines 56-61).

Regarding claim 4, Raschke et al. disclose the interface can be built-in (contained) within the controller (col. 3, lines 62-65).

Regarding claim 5, Raschke et al. disclose the controller being a programmable logic controller (col. 5, line 60 through col. 6, line 17).

Regarding claim 6, Raschke et al. disclose the configuration device configures one or more modules associated with the controller (col. 4, lines 31-38).

Regarding claim 36, Raschke et al. disclose the interface (104) can be a separate unit (col. 3, lines 65-67).

Regarding claim 37, as shown in figure 1, Raschke et al. disclose the power line (108) being connected to the interface (104) and a data communications connection can be made from the interface to a particular device (112, figure 1).

Regarding claims 38 and 41, refer to claim 1 above.

Regarding claim 39, refer to claim 36 above.

Regarding claim 40, refer to claim 37 above.

Regarding claim 42, Raschke et al. disclose the interface being configured using hardware, software, or a combination thereof to create a plurality of virtual network (figure 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raschke et al.

Regarding claim 7, Raschke et al. disclose the instant claimed invention except for specifically disclose the configuration device configures the controller by exchanging configuration, data, download a file on the controller. Since Raschke et al. disclose that a user utilizes the configuration device (128) to configure, monitor, and issue commands to the controller (col. 4, lines 35-38) and the interface connected to the controller receives the commands and instructs the controller to take certain actions (col. 5, line 55 through col. 5, line 18), it would have been obvious to a person having ordinary skill in the art at the time the invention was made to know that the configuration device can be used to configure the controller by exchanging configuration, data, download a file on the controller for the purpose of providing the user the capability of controlling the system.

Regarding claims 8-9, Raschke et al. disclose the instant claimed invention except for the download file being an executable software program or a web page. Since Raschke et al. disclose that the user utilizes the configuration device (128) to configure, monitor, and issue commands to the controller via the Internet (124, figure 1, col. 4, lines 35-38), it would have been obvious to a person having ordinary skill in the art at the time the invention was made to know that the command initiates from the configuration device can be in the form of an executable software program/web page for the purpose remotely configuring/monitoring the device.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Tai Nguyen', with a long horizontal flourish extending to the right.

TAI NGUYEN
PRIMARY EXAMINER

January 4, 2007